

ACTION EUR-00

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|------|---------|---------|---------|---------|---------|---------|---------|
| INFO | LOG-00  | AID-00  | AMAD-00 | CA-00   | CIAE-00 | INL-00  | DODE-00 |
|      | DOTE-00 | DS-00   | EB-00   | FAAE-00 | FBIE-00 | UTED-00 | VCI-00  |
|      | H-00    | TEDE-00 | INR-00  | IO-00   | LAB-01  | L-00    | VCIE-00 |
|      | DCP-00  | NSAE-00 | ISN-00  | OCS-00  | NIMA-00 | PA-00   | GIWI-00 |
|      | SCT-00  | ISNE-00 | DOHS-00 | SP-00   | SSO-00  | SS-00   | ASDS-00 |
|      | FMP-00  | CBP-00  | DSCC-00 | PRM-00  | DRL-00  | G-00    | NFAT-00 |
|      | SAS-00  | SWCI-00 | /001W   |         |         |         |         |

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FM AMEMBASSY DUBLIN

TO SECSTATE WASHDC 6544

UNCLAS DUBLIN 000200

SENSITIVE

E.O. 12958: N/A

TAGS: PGOV, PBTS, PHUM, PREL, PTER, EI

SUBJECT: FM AHERN SAYS CLOSURE OF GUANTANAMO DESIRABLE

1. (SBU) On February 15, in response to a question from Parliament regarding the legal basis for detention of

persons at Guantanamo, Foreign Minister Dermot Ahern stated that the GOI's position is clear and has been consistently conveyed to U.S. authorities. Ahern said that all detained persons are entitled to the protection of international human rights instruments and international humanitarian law. He endorsed the view of UNSYG Annan that those held in Guantanamo should either be charged or released, and that the United States should close the facility. According to Ahern, closure of Guantanamo would be "highly desirable on human rights grounds and serve to reassure all of America's friends, including Ireland, who recognize the importance of the role of the United States as a global leader in combating terrorism and promoting democracy." Ahern reiterated that Ireland regards torture as unacceptable and unjustifiable under any circumstances.

2. (SBU) Separately, on February 20, the GOI submitted its response to a Council of Europe questionnaire relating to allegations regarding secret prisons and so-called extraordinary rendition. The full document is available at [http://www.dfa.ie/Press\\_Releases/20060221/1981.htm](http://www.dfa.ie/Press_Releases/20060221/1981.htm). The

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sections of the questionnaire that attracted most attention concerned the inspection of civilian aircraft at Shannon airport. In this regard, the GOI made it clear that, under Irish law, police powers of search and inspection extend to civil aircraft of the type cited in allegations regarding extraordinary rendition, stating "civil aircraft used by foreign officials which land on Irish territory are not entitled to any state immunity." Extradition and the transfer of a sentenced prisoner are the only two circumstances in which Irish law permits the authorities of another state to detain a prisoner on Irish territory. The reply concludes that a thorough examination of practice throughout the State revealed "no indication of the occurrence either of unacknowledged deprivation of liberty, or the transportation of any individual while so deprived of his liberty."

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